



2/22/10 (4)

TOWN OF ACTON

472 Main Street

Acton, Massachusetts, 01720

Telephone (978) 264-9612

Fax (978) 264-9630

Steven L. Ledoux
Town Manager

Acton Beacon Legal Ad Division (Barbara)

Below please find a copy of a legal advertisement to appear in the Acton Beacon on February 11 and 18, 2010

Please send the bill to: Acton Burgerdrome
Lindsey Sundburg
257 Main Street
Acton, MA 01720
978-621-9381

Please send proof copy and tear sheet to:

Town Manager's Office
472 Main Street
Acton, MA 01720

Christine Joyce
Town Manager's Office

USE SPECIAL PERMIT # is 01-19-10-425
Selectman Assigned: Friedrichs

LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING

The Acton Board of Selectmen will hold a public hearing on February 22, 2010 at 7:50 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton, on the application for a special use permit, specifically for a restaurant with more than 10 seats. Permit application required under Section 3 of the Zoning Bylaw to expand an existing restaurant use by increasing the overall number of seats, at the Burgerdrome, 257 Main Street, Acton, MA 01720. The application and accompanying plans can be inspected at Town Hall during normal business hours.

RECEIVED
JAN 19 2010

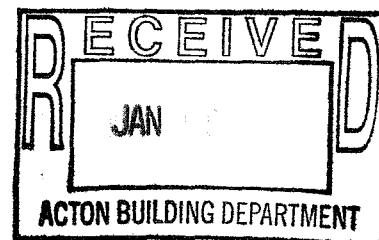
MA
TOWN CLERK, ACTON

Town of Acton

Application for a Special Permit

To The

Board of Selectmen



Please type or print your application.

Indicate the special permit/s requested. The fee for a Special Permit is \$250 unless otherwise noted.

Recreation	Nursing Home	<u>Restaurant</u>
Hotel, Inn or Motel	Combined Business & Dwelling	Lodge or Club
Veterinary Care	Commercial Kennel	Commercial Recreation
Commercial & Trade School	Amusement Facility	Freestanding Sign
Warehouse	Mini-Warehouse	Heating Fuel Sales/Service
Light Manufacturing	Scientific Research/Development/Production	
Reduced Parking Fee = \$100	Drive-Up Bank Fee = \$1000	Service Station Fee = \$1000

If this application is made concurrently with a site plan application, then the fee will be \$100 in all cases.

APPLICANT

Name & Address

Burgerdrome

Telephone

978-621-9381

SITE

Location and Street Address of the Property

257 Main St, Acton MA 01720

Tax Map & Parcel Number

OWNER

Name & Address

Bob Sundberg
257 Main St

Acton MA 01720

Telephone

Area of Lot ac.

Zoning District

If any other permits or site plans have been
granted for the property, give the file numbers:

Twenty 20

Twelve (12) completed copies of this application and supporting materials including plan sheets, if any, are required at the time of submission. A certified abutters list taken from the most recent town tax list and certified by the Town Assessor must be included with this application. At a minimum, a 1"=1200' location map must be provided with each copy of the application showing the subject site in relation to other lots, roads, and natural features. Sufficient supporting information must be provided to fully explain the purpose and plans of the applicant -- attach additional sheets and plans as necessary. The Board may require additional information as it deems necessary. Each copy of any plan sheets shall be folded so that it will fit neatly into a letter sized file folder.

Use Special Permit - #01/19/10-425
257 Main Street
February 22, 2010



Board of Selectmen

TOWN OF ACTON

472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9612
Fax (978) 264-9630
bos@acton-ma.gov
www.acton-ma.gov

DECISION

#01/19/10-425

257 Main Street

Use Special Permit
February 22, 2010

GRANTED with Conditions

Decision of the Acton Board of Selectmen (hereinafter the Board) on the application of Burgerdrome, 257 Main Street, Acton, MA 01720 (hereinafter the Applicant) for the property located at 257 Main Street in Acton, Massachusetts, owned by Sundberg Robert A. Jr. Trustee, P.O. Box 2131, Acton, MA 01720. The property is shown on the 2007 Acton Town Atlas; map F-3 as parcel 121 (hereinafter the Site).

This Decision is in response to an application for a use special permit, submitted to the Board of Selectmen on January 19, 2010, pursuant to Section 3.5.5 of the Acton Zoning Bylaw (hereinafter the Bylaw), to establish a 19 seat restaurant. The Board opened a duly noticed public hearing on February 22, 2010 and heard testimony from the applicant

as well as municipal staff. The Board then proceeded to close the public hearing.

Board members Paulina Knibbe (Chair), Peter Berry (Vice Chair), Lauren Rosenzweig (Clerk), Mike Gowing and Terra Friedrichs were present throughout the hearing. The minutes of the hearing and submissions on which this decision is based upon may be referred to in the Town Clerk's office or the office of the Board at Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1.1 A properly executed application for a Use Special Permit was received and filed with the Town Clerk on January 19, 2010. The drawings and documents submitted as part of the application comprise the following:

- Cover Letter signed by Josh Sundberg, Manager of Burgerdrome;
- A-2 – Existing and Altered Floor Plans of Kitchen & Dining Areas prepared by E.J. Rempelakis Associates & Architects, Suite 201, 179 Great Road, Acton, MA 01720, dated February 27, 2009, and revised September 23, 2009 and October 5, 2009;

Additional documentation submitted as part of the application included the following:

- Certified Abutters List.

1.2 Interdepartmental communication was received from:

- Health Department via email dated January 25, 2010;
- Fire Chief via email dated February 5, 2010.

Exhibit 1.1 is hereinafter referred to as the Plan.

2 FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits, and the record of the proceedings, the Board finds and concluded that:

- 2.1 The site is located within the KC (Kelley's Corner) Zoning District and Groundwater Protection District Zone 4.
- 2.2 The entire property is approximately 1.18 acres (51,401 ft²) in area.
- 2.3 The applicant is proposing to expand an existing restaurant by adding additional seats. A restaurant with 10 seats or less is permitted as of right in the subject zoning district. Any additional seats in excess of 10 requires a Use Special Permit.
- 2.4 The proposed restaurant use is permitted on the Site by Use Special Permit.
- 2.5 The subject restaurant is located within the Acton Bowladrome structure which was originally constructed in 1955. The structure consists of a 16 lane bowling alley, a small restaurant space and is approximately 15,817 square feet in size.
- 2.6 The total number of restaurant seats is being increased from 10 seats to 19 seats total (all seats to be located within the structure, no seating is proposed or approved for the exterior of the restaurant).
- 2.7 There are no modifications or alterations proposed to the existing parking lot. Based upon the requirements of Section 6.9.5.3, the existing parking lot would seem to comply with the

minimum Bylaw parking requirements. Acton Bowladrome Enterprises has entered into a Collective Use of Parking Facility agreement with the adjoining property (251-255 Main Street) as per Section 6.9.5.4 of the Zoning Bylaw.

- 2.8 There are no proposed modifications or alterations to the structure which affect the overall FAR of the property.
- 2.9 The Board has received comments from various Town departments, which are listed in Exhibit 1.2 above. These comments were considered by the Board in its deliberations, were made available to the Applicant, and are incorporated into this decision as deemed appropriate by the Board.
- 2.10 The proposed use and the Use Special Permit applied for herein are consistent with the Master Plan, will not be detrimental or injurious to the neighborhood in which the use is to take place, provides for convenient and safe vehicular and pedestrian movement within and through the site, provides an adequate number of parking spaces, provides adequate methods of refuse and waste removal from the site, and is in harmony with the purpose and intent of the Bylaw.

3 BOARD ACTION

Therefore, the Board voted to GRANT the requested Use Special Permit subject to and with the benefit of the following Plan modifications, conditions, and limitations.

3.1 PLAN MODIFICATIONS

The Building Commissioner shall not issue a building permit, nor shall any construction activity begin on the Site, until and unless the Zoning Enforcement Officer confirms that any proposed building permit plans are in compliance with information submitted, reviewed and approved as part of this Use Special Permit. Except where otherwise provided, all such information shall be subject to the approval of the Zoning Enforcement Officer. Where approvals are required from persons or agencies other than the Zoning Enforcement Officer, the Applicant shall be responsible for providing evidence of such approvals to the Zoning Enforcement Officer.

3.2 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns. Failure to adhere to these conditions shall render this Use Special Permit null and void, without force and effect, and shall constitute grounds for the revocation of this Use Special Permit, and of any building or occupancy permit issued hereunder. The Town of Acton may elect to enforce compliance with this Use Special Permit using any and all powers available to it under the law.

- 3.2.1 The Use shall be established and operated at all times in compliance with all applicable requirements promulgated by the Acton Board of Health.
- 3.2.2 The Use shall be established and conducted at all times in accordance with the terms of this Use Special Permit and shall conform with and be limited to the improvements indicated in the Plan as modified herein.
- 3.2.3 No work on the Site shall begin prior to the issuance of a building permit.
- 3.2.4 The applicant shall be diligent and ensure that absolutely no construction debris or material from the site enter any of the abutting properties, storefronts, parking lot area, or the Main Street and Massachusetts Avenue public right-of-ways.

- 3.2.5 All construction activity on the property relating to this Site Plan Special Permit shall be limited to the hours of: Monday – Friday: 7:00am – 5:00pm; Saturday 8:00am – 5:00pm; Sundays & Holidays: no work permitted.
- 3.2.6 All work on the Site shall be conducted in accordance with the terms of this Use Special Permit and shall conform with and be limited to the improvements shown on the Plan as modified herein.
- 3.2.7 Any changes to the site that are not in conformance with this Use Special Permit shall require the approval of the Board.
- 3.2.8 Every attempt shall be made to minimize any adverse construction conditions (such as, but not limited to dust and noise, etc.) on neighboring and abutting properties and commercial spaces.
- 3.2.9 This Decision shall be recorded at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of a building permit or occupancy permit for the Use, whichever is first.

3.4 LIMITATIONS

The authority granted to the Applicant under this Use Special Permit is limited as follows:

- 3.4.1 The foregoing required conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Bylaw and the Rules.
- 3.4.2 This Use Special Permit applies only to the Site identified in this decision and to the proposed use and activity as shown on the Plan.
- 3.4.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 3.4.4 Prior to any building permit being issued for the subject project, the applicant shall demonstrate compliance with any and all other comments/concerns provided by other municipal disciplines.
- 3.4.5 Prior to any Certificate of Occupancy being approved or issued for the subject use, the applicant shall demonstrate compliance with all conditions and comments imposed by the Board of Selectmen through this Use Special Permit.
- 3.4.6 This Use Special Permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this decision with the Town Clerk, except for good cause, or if construction under this special permit is not continued through to completion as continuously and expeditiously as is reasonable. For construction to continue towards completion as continuously and expeditiously as is reasonable, construction activity shall not rest for more than 1 year. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates, and the Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications of the Plan.
- 3.4.7 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this Use Special Permit with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

4 **APPEALS**

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, S. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

The Town of Acton Board of Selectmen

Paulina Knibbe, Chair

Date Filed with Town Clerk

Eva Taylor, Town Clerk

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Eva Taylor, Town Clerk

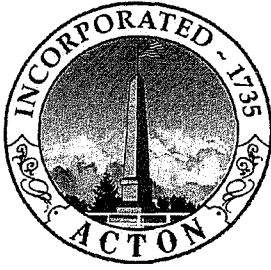
Date

Copies furnished:

Applicant -
certified mail #
Town Clerk
Fire Chief

Building Commissioner
Engineering Administrator
Planning Department
Police Chief

Health Director
Assistant Assessor
Town Manager
Owner



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone 978-264-9612
Fax 978-264-9630

Date: January 20, 2010
To: Abutters of 257 Main Street
Re: *USE SPECIAL PERMIT* # is 01/19/10-425
257 Main Street

**LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on February 22, 2010 at 7:50 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton, on the Use Special Permit application required under Section 3 of the Zoning Bylaw to expand an existing restaurant use by increasing the overall number of seats, at Burgerdome, 257 Main Street, Acton, MA 01720. The application and accompanying plans can be inspected at Town Hall during normal business hours.

ACTON BOARD OF SELECTMEN



This Application is submitted for the purpose of extending seating from 10 seats, which is permitted pursuant to section 3.5.5 of the zoning bylaw to 19 seats.

Attached is the original site plan and the new altered floor plan.

Thank You

A handwritten signature in black ink, appearing to be "Sandy Kelly", written in a cursive style.

Scott Mutch

From: Robert Craig
Sent: Friday, February 05, 2010 11:25 AM
To: Scott Mutch
Subject: Board of Selectmen, USE SPECIAL PERMIT (#01-19-10-425) Friedrichs /Burgerdrome 257 Main Street, Acton, Ma.
Importance: High

Scott,

After review of the above named plan, please be advised that I have no objection to the proposed increase in the overall number of seats.

Robert C. Craig
Fire Chief
Acton Fire Department
978-264-9645
978-266-2885(FAX)

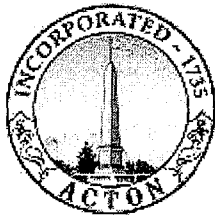
2/16/2010

Scott Mutch

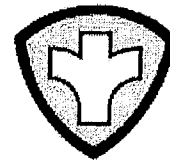
From: Justin Snair
Sent: Monday, January 25, 2010 11:49 AM
To: Scott Mutch
Cc: Doug Halley
Subject: 257 Main St USE SPECIAL PERMIT

The Health Dept. has reviewed the application for 257 Main St and has the following comments:

- The building is currently connected to sewer and can accommodate the increase in wastewater flow resulting from the added seats
- Any additional change in seat count will require Health Department review



Justin T. Snair
Environmental Health Agent
Health Department
Town of Acton
P: 978-264-9634
F: 978-264-9630



Public Health
Prevent. Promote. Protect.

Vision ID:4307

MAP ID: F3/ 121/ //

Bldg Name:

State Use: 3700

Account #

Bldg #: 1 of 1

Sec #: 1 of

1 Card 1 of 1

Print Date: 02/17/2010 13:06

CURRENT OWNER				TOPO.		UTILITIES		STRT./ROAD		LOCATION		CURRENT ASSESSMENT								201 ACTON, MA VISION	
SUNDBERG ROBERT A JR TRUSTEE BOWLADROME REALTY TRUST PO BOX 2131 ACTON, MA 01720 Additional Owners:												Description		Code	Appraised Value	Assessed Value					
												COMMERC.		3700	367,700	367,700					
												COM LAND		3700	474,500	474,500					
										COMMERC.		3700	7,900	7,900							
SUPPLEMENTAL DATA																					
Other ID:		000F3 00121 00000		SBU		5.17															
Occ Perm				Hist Dist																	
Photo				BStat		O															
Ward				P.Plan#		318 OF 1967															
Prec				Lot#		B															
Sew Zone		Z7		ASSOC PID#																	
GIS ID:								Total										850,100	850,100		
RECORD OF OWNERSHIP				BK-VOL/PAGE		SALE DATE		q/u	v/i	SALE PRICE		V.C.		PREVIOUS ASSESSMENTS (HISTORY)							
SUNDBERG ROBERT A JR TRUSTEE				46580/ 447		12/01/2005		U	I	1 IG		Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	
SUNDBERG FAMILY LLC				41326/ 492		10/31/2003		U	I	1 IB		2010	3700	367,700	2009	3700	367,700	2008	3700	384,400	
SUNDBERG ROBERT A JR TRUSTEE				21683/0469		01/15/1992		U	I	500,000 1B		2010	3700	474,500	2009	3700	499,600	2008	3700	526,400	
ROBERTS SONS TRUST				11307/0412						0		2010	3700	7,900	2009	3700	7,900	2008	3700	7,900	
												Total:		850,100	Total:		875,200	Total:		918,700	
EXEMPTIONS					OTHER ASSESSMENTS					This signature acknowledges a visit by a Data Collector or Assessor											
Year	Type	Description			Amount	Code	Description			Number	Amount	Comm. Int.									
Total:																					
ASSESSING NEIGHBORHOOD															APPRAISED VALUE SUMMARY						
NBHD/ SUB		NBHD NAME			STREET INDEX NAME			TRACING			BATCH			Appraised Bldg. Value (Card)					367,700		
200/A														Appraised XF (B) Value (Bldg)					0		
														Appraised OB (L) Value (Bldg)					7,900		
														Appraised Land Value (Bldg)					474,500		
														Special Land Value					0		
														Total Appraised Parcel Value					850,100		
														Valuation Method:					C		
														Adjustment:					0		
										Net Total Appraised Parcel Value					850,100						
BUILDING PERMIT RECORD															VISIT/ CHANGE HISTORY						
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Purpose/Result							
22516	08/28/2009	CM	Commercial	30,000		0		REMODELING REST	10/25/2006			RD	17	Comm Field Review							
21021	04/20/2007	CM	Commercial	0		0		Roof	8/16/2006			DI	00	Measur+Listed							
16265	05/07/1999		ROOF	72,000		0			4/24/1997			BD	00	Measur+Listed							
14887	11/26/1996		MONITOR	16,000	04/24/1997	100		NEW MONIT	9/29/1987			MD	00	Measur+Listed							
LAND LINE VALUATION SECTION																					
B #	Use Code	Use Description	Zone	D	Frontage	Depth	Units	Unit Price	I. Factor	S.A.	Acre Disc	C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing	Adj. Unit Price	Land Value			
1	3700	BOWLING	KC		205		43,560 SF	4.86	1.00	4	1.0000	1.00	200	1.90			9.23	402,100			
1	3700	BOWLING	KC				0.18 AC	211,700.00	1.00	4	1.0000	1.00	200	1.90			402,230.00	72,400			
Total Card Land Units:							1.18 AC	Parcel Total Land Area: 51,401 SF							Total Land Value:					474,500	